

TO: Douglas I. Wood
Petitions Attorney
Office of Petitions
Crystal Plaza 4 - 3D39

FROM: Examiner Ardin Marschel
Examining Group Art Unit 1631

SUBJECT: Terminally Disclaimer in Application No. 08/487,701

Upon review of the basis for obviousness-type double patenting which was previously overcome with a Terminal Disclaimer in 08/487,701 to disclaim U.S. Patent 5,447,841; the following determination is set forth. Even though claim amending has occurred in 08/487,701; said amending has not sufficiently distinguished many of the claims in 08/487,701 from those in U.S. Patent 5,447,841 to nullify or remove the requirement for the Terminal Disclaimer which previously disclaimed Patent 5,447,841. If said Terminal Disclaimer were to be withdrawn, it would be deemed necessary to reopen prosecution to re-apply an obviousness-type double patenting rejection against at least claim 48 and others in application 08/487,701; based on U.S. Patent 5,447,841.

Respectfully,

Ardin H. Marschel
ARDIN H. MARSCHEL
PRIMARY EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DW 07-01

MEMORANDUM

TO: Examiner Ardin Marchel
Examining Group 1631

FROM: Douglas I. Wood *DIW*
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
Crystal Plaza 4 - 3C23
703.305.9282

SUBJECT: Application No. 08/487,701

A petition in the above-identified application has been filed requesting that the Terminal Disclaimer filed on 6 August, 1999, be withdrawn or nullified as unnecessary in accordance with MPEP 1490.

Accordingly, the above-identified application is referred to you for an opinion as to whether or not withdrawal or nullification of the Terminal Disclaimer is appropriate.

Please return the application, along with the examiner's signed, dated and typed report, to the Office of Petitions by c.o.b.
Friday, 3 August, 2001.